

PUBLIC NOTICE

09-01

AQUATIC RESOURCE ALTERATION PERMITS/ §401 CERTIFICATIONS

**TN DEPT OF ENVIRONMENT & CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
MINING SECTION
3711 MIDDLEBROOK PIKE
KNOXVILLE, TN 37921-6538
Fax # 865-594-5253**

ISSUE DATE **January 8, 2009**

EXPIRATION DATE **February 8, 2009**

TO WHOM IT MAY CONCERN: Enclosed are current public notices of permit applications, notice of individual permit decisions, and/or announcement of public hearings or meetings. Public comment and participation are encouraged on all of these issues.

The applications described herein have been submitted for Aquatic Resource Alteration Permits under *The Tennessee Water Quality Control Act of 1977*, T.C.A. §69-3-108. In addition, federal permits may be required from the U. S. Army Corps of Engineers or from the Tennessee Valley Authority under §404 of the *Clean Water Act* and §26a of the *Tennessee Valley Authority Act*, respectively. Section 401 of the *Clean Water Act* requires that an applicant obtain a water quality certification from the state when a federal permit is required. This notice may cover applications subject to §401 or navigation permitting (Rule 1200-04-08).

The purpose of this notice is to inform interested parties of this permit application and to ask for comments and information necessary to determine possible impacts to water quality. Persons wishing to comment on a proposal are invited to submit written comments to the department. Written comments must be received within **thirty days of the date that this notice is posted**. Comments will become part of the public record and will be considered in the final decision. The applicant's name and permit number should be referenced.

The permit application, supporting documentation including detailed plans and maps, and related comments are available for review and /or copying at the department's mining section.

Interested persons may also request in writing that the department hold a public hearing on an application. The request must be filed within the comment period, indicate the interest of the person requesting it, and the reasons that the hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the department will hold a hearing in accordance with Rule 1200-4-1-.04(4)(f).

In deciding whether to issue or deny a permit, the department will consider all comments of record and the requirements of applicable federal and state laws. In making this decision, a determination will be made regarding the potential lost value of the resource compared to the value of any proposed mitigation. The department shall consider practicable alternatives to the alteration. The department shall also consider loss of waters or habitat, diminishment in biological diversity, cumulative or secondary impacts to the water resource, and adverse impact to unique, high quality, or impaired waters.

The Tennessee Department of Environment and Conservation is committed to principles of equal opportunity, equal access and affirmative action. Contact the EEO/AA Coordinator at 1-888-867-7455 or the ADA Coordinator at 1-866-253-5827 for further information. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

PUBLIC NOTICE

NOTICE TO WITHDRAW ARAP PUBLIC NOTICE 08-05 AND PROVIDE NEW NOTICE FOR PERMIT APPLICATIONS: NR08MS.015 & NR08MS.016

APPLICANT: Mr. Van Medlock
Rogers Group, Inc.
421 Great Circle Road
Nashville, TN 37228

LOCATION: The proposed alterations are located south of Highway 61 in Clinton, Tennessee. The alterations are at N35.16722 latitude, W84.07694 longitude; N35.1678 latitude, W84.0778 longitude and N35.1686 latitude, W84.0772 longitude (Anderson County).

WATERSHED DESCRIPTION: The proposed stream and wetland alterations will occur in the Lower Clinch River watershed (HUC 06010207). The alterations will result in the filling of 0.2465 acre of a 1.4 acre delineated wetland adjacent to an unnamed tributary to Buffalo Creek. Dominant hydrophytic vegetation in the wetlands consists of rushes, sedges and grasses. The affected waters are located in the Southern Limestone/Dolomite Valleys and Low Rolling Hills ecoregion.

PROJECT DESCRIPTION: Rogers Group, Inc., has applied for an Individual Aquatic Resource Alteration Permit for three separate alterations associated with construction of an access road and an internal haulroad for the proposed Clinton Quarry. During the permit review process, Rogers Group has minimized and avoided stream and wetland alterations to extent possible but the site is space limited due to zoning requirements. No on-site mitigation was available. The applicant proposes constructing two crossings of an unnamed tributary with wetlands alterations that will result in the permanent fill of 0.2465 acre of the 1.4 acre wetland. The impacts would be mitigated by purchasing, at 2:1 ratio, 0.49 acre of available credits from the Walls Wetland Mitigation Site in Morgan County, Tennessee. The Walls Wetland Mitigation Site is in the Emory River watershed (HUC 06010208) which is confluent with the Lower Clinch River watershed (HUC 06010207).

An existing crossing of Buffalo Creek is also to be replaced and upgraded as part of this project. As no additional fill of streams or wetlands are proposed for this portion of the project no additional mitigation will be required by the division.

These activities were initially submitted under separate applications (NR08MS.015 & NR08MS.016) but the proposed activities will be covered under a single individual ARAP/§401 certification if a decision is made to issue the permit.

USGS TOPOGRAPHIC QUADRANGLE: Norris, TN (137 NE)

Permit Coordinator: Dave Turner

No decision has been made whether to issue or deny this permit. The purpose of this notice is to inform interested parties of this permit application and to ask for comments and information necessary to determine possible impacts to water quality. Persons wishing to comment on the proposal are invited to submit written comments to the department. Written comments must be received within **thirty days of the date that this notice is posted**. Comments will become part of the public record and will be considered in the final decision. The applicant's name and permit number should be referenced.

Interested persons may also request in writing that the department hold a public hearing on this application. The request must be filed within the comment period, indicate the interest of the person requesting it, and the reasons that the hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the department will hold a public hearing.

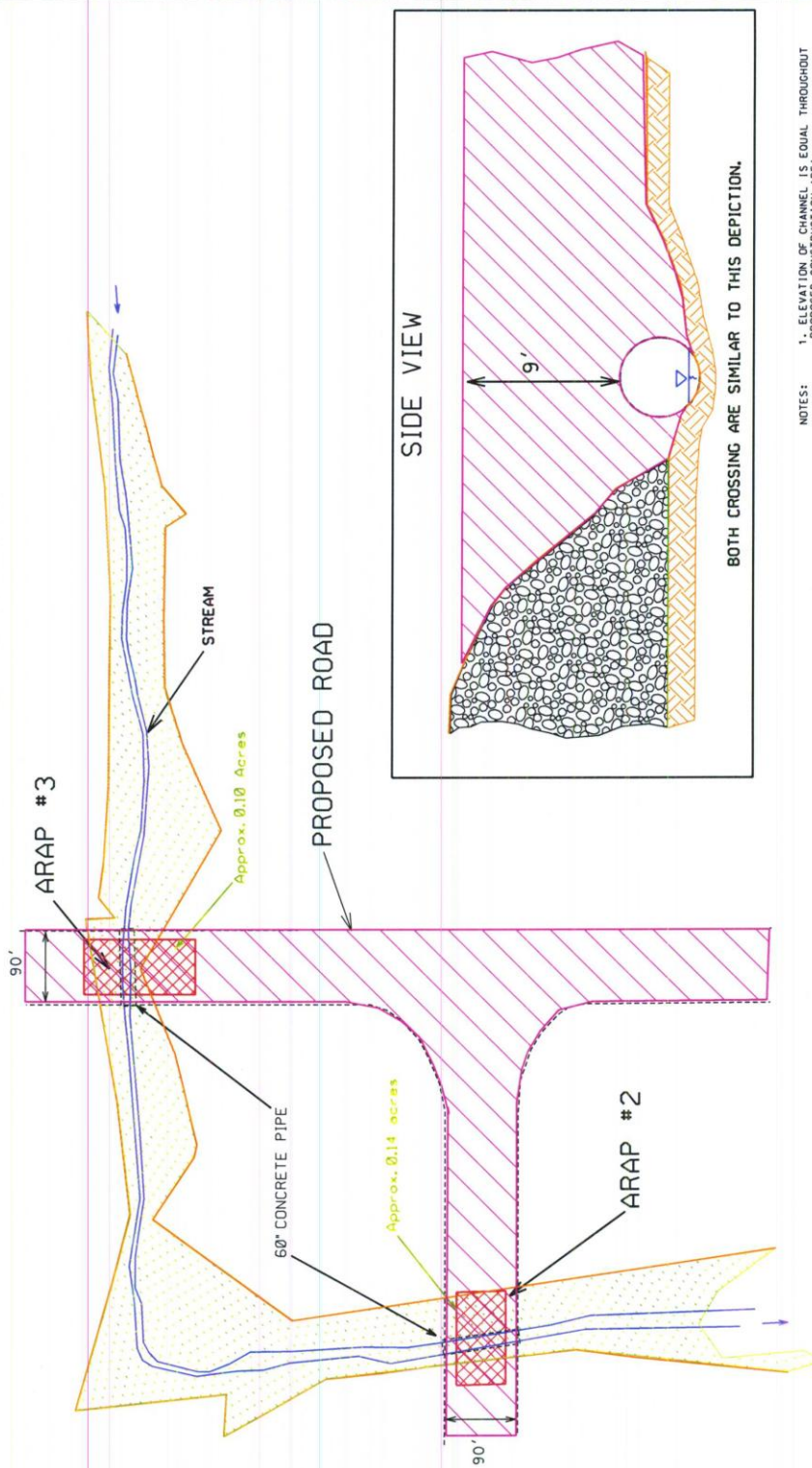
The permit application, supporting documentation including detailed plans and maps, and related comments are available for review and/or copying by appointment during business hours at the following address:

ATTN: Tina E. Jones (865-594-6035)
TN DEPT OF ENVIRONMENT & CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
MINING SECTION
3711 MIDDLEBROOK PIKE
KNOXVILLE, TN 37921-6538

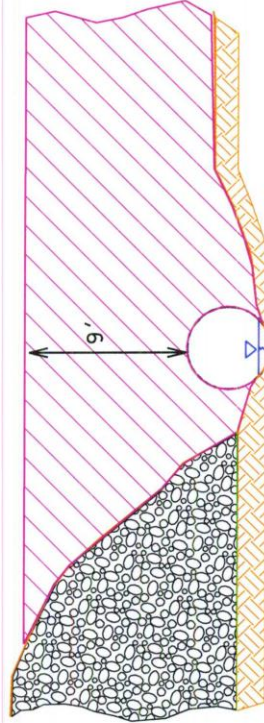
In deciding whether to issue or deny a permit, the department will consider all comments of record and the requirements of applicable federal and state laws.



PROPOSED CONDITIONS OF UNNAMED TRIBUTARY TO BUFFALO CREEK ARAP #2 & #3 - NEW CROSSINGS



SIDE VIEW

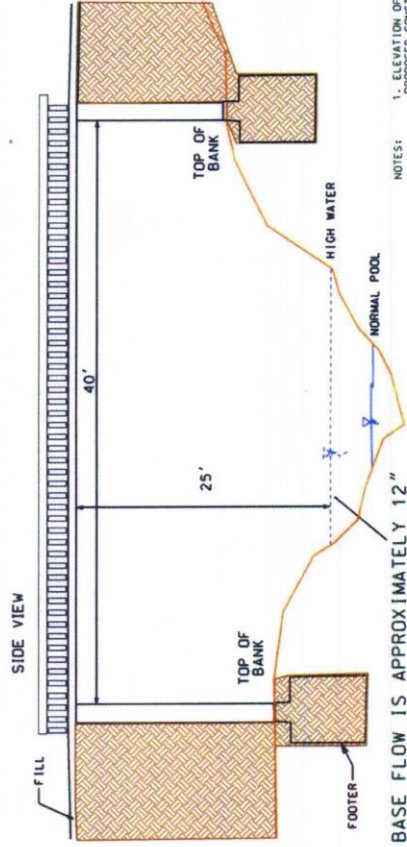
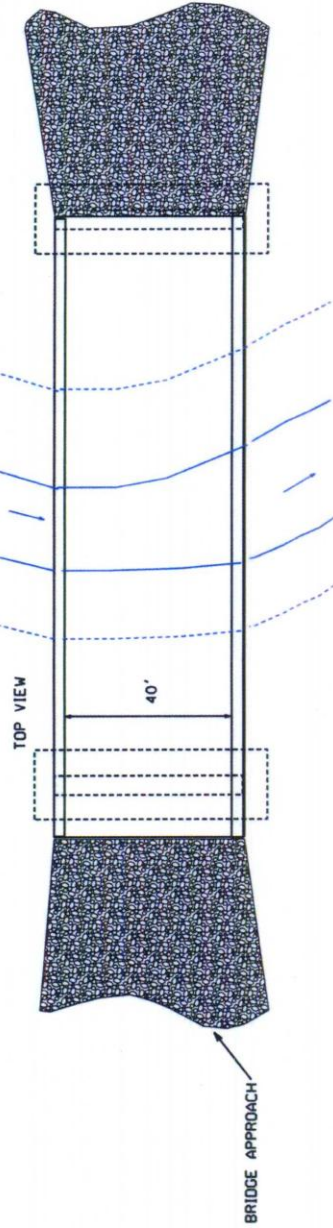


BOTH CROSSING ARE SIMILAR TO THIS DEPICTION.

- NOTES:
1. ELEVATION OF CHANNEL IS EQUAL THROUGHOUT PROPOSED CONSTRUCTION AREA.
 2. WIDTH OF CREEK IS EQUAL THROUGHOUT PROPOSED CONSTRUCTION AREA.

		DATE 3/25/08 SCALE NTS DESIGNED DRAWN VDM CHECKED	ROGERS GROUP, INC. CORPORATE ENGINEERING DEPT. LOCATION CLINTON QUARRY, ANDERSON COUNTY TITLE PROPOSED ARAPS #2 & #3 ARAP #2 - LAT: 36.1678; LONG: 84.0778 ARAP #3 - LAT: 36.1688; LONG: 84.0772 JOB NO. ENV/OTCL-Water Cross-Ingr-op
REVISION	DESCRIPTION	CHECKED	

BUFFALO CREEK ARAP #1 - PROPOSED CONDITIONS



NOTES:
 1. ELEVATION OF CHANNEL IS EQUAL THROUGHOUT PROPOSED CONSTRUCTION AREA.
 2. WIDTH OF CREEK IS EQUAL THROUGHOUT PROPOSED CONSTRUCTION AREA.

ACTUAL SIZE OF FOOTER WILL BE FIELD DETERMINED BY THE STRUCTURAL ENGINEERING FIRM THAT IS HIRED TO CONSTRUCT THE NEW CROSSING.



DATE	3/12/08	ROGERS GROUP, INC.
SCALE	NTS	CORPORATE ENGINEERING DEPT.
DESIGNED		LOCATION CLINTON QUARRY, ANDERSON COUNTY
DRAWN	VDM	TITLE
CHECKED		PROPOSED ARAP #1
REVISION	DESCRIPTION	LAT. 36° 10' 02" LONG. 84° 4' 37"
		JOB NO.
		FILE
		ENV/OTCL-Water
		CROSSING